

1  
2  
3  
4  
5  
6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   FELIX VINCENT SITTHIVONG,

10                  Petitioner,

11                  v.

12                   MIKE OBENLAND,

13                   Respondent.

14                   Case No. C14-1876-RSL-MLP

15                   ORDER GRANTING MOTION TO  
16                   LIFT STAY

17                  In April 2015, the Court stayed this 28 U.S.C. § 2254 habeas action so that Petitioner  
18                  could exhaust his state remedies. Petitioner's state-court proceedings have concluded, and  
19                  therefore Respondent asks the Court to lift the stay and set a briefing schedule. Having  
20                  considered Respondent's motion and the balance of the record, the Court ORDERS:

21                  (1)     Respondent's motion (dkt. # 36) is GRANTED, and the stay (dkt. # 14) is lifted.

22                  (2)     Within *forty-five (45) days*, Respondent shall file and serve an answer in

23                  accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District  
Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted  
available state remedies and whether an evidentiary hearing is necessary. Respondent shall not  
file a dispositive motion in place of an answer without first showing cause as to why an answer is

1 inadequate. Respondent shall file the answer with the Clerk of the Court and serve a copy of the  
2 answer on Petitioner.

3       (3)     The answer will be treated in accordance with LCR 7. Accordingly, on the face of  
4 the answer, Respondent shall note it for consideration on the fourth Friday after filing. Petitioner  
5 may file and serve a response not later than the Monday immediately preceding the Friday  
6 designated for consideration of the matter, and Respondent may file and serve a reply not later  
7 than the Friday designated for consideration.

8       (4)     Filing by Parties, Generally

9           All attorneys admitted to practice before this Court are required to file documents  
10 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.  
11 All filings must indicate in the upper right hand corner the name of the magistrate judge to whom  
12 the document is directed.

13           Any document filed with the Court must be accompanied by proof that it has been served  
14 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner shall  
15 indicate the date the document is submitted for e-filing as the date of service.

16       (5)     Motions

17           Any request for court action shall be set forth in a motion, properly filed and served.  
18 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
19 part of the motion itself and not in a separate document. The motion shall include in its caption  
20 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
21 consideration on the Court's motion calendar.

**(6) Direct Communications with District Judge or Magistrate Judge**

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

(7) The Clerk is directed to send copies of this order to the parties and to the Honorable Robert S. Lasnik.

Dated this 28th day of April, 2020.

M. J. Reisman

MICHELLE L. PETERSON  
United States Magistrate Judge